

The CASE of several Thousands of His Majesty's Subjects, Entituled under the Letters Patents of King Charles the Second, to Annual Sums out of the Hereditary Revenue of EXCISE:

K. England
Humbly Offered to the Consideration of the Honourable House of Commons.

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THE Parliament having Passed, in 19 *Caroli 2di*, an Act for Assigning Orders in the Exchequer without Revocation, and therein expressed it to be made for the Advantage of the Trade of this Kingdom; and for Seven Years to give Credit to His Majesty's Exchequer; Also for Payment of Moneys that should be Charged on any Branch of His Majesty's Revenue: Several Goldsmiths and Others were thereby encouraged to Advance great Sums to serve Publick Occasions.

But notwithstanding the said Act, His said Majesty in Council, on the 2d of *January 167½*, declared, That His Necessities forced Him to Postpone Payments in the Exchequer for One Year; And that the Lords of the Treasury should Employ and Dispose of all the said Moneys so stopped, for Setting forth and Payment of the Fleet, and other Publick Services, in order to the Preservation and Safety of His Majesty's Government, and Defence of His People: By which Stop in the Exchequer, the said Goldsmiths were not able to pay their Debts to Thousands of Persons, who had then Moneys in their hands.

Therefore to Remove the great Difficulties which many Subjects lay under by the said Stop of Payments; And for want of a more Effectual Relief, His said Majesty caused the Accompts of those to whom he was so indebted, to be stated by the Proper Officers; And for the Moneys which appeared due by those Accompts to each Respective person, His said Majesty by his Letters Patents, about *April 1677*, Gave and Granted to Each of his said Creditors, their Heirs and Assigns, in lieu and satisfaction of their Respective Debts, Annual Sums or Payments out of the Hereditary Revenue of Excise, answerable in Value to the Interest of their Respective Debts, at the Rate of Six Pounds *per Cent. per Annum*, to be paid Quarterly, and to be preferred before any other Payment out of the same, by Vertue or Colour of any Warrant, Order, or Directions whatsoever, of any After-Date, excepting only Necessary Sums for the Management of the said Revenue, and about *36209 l. 15 s. 4 d. ½* a Year, to the then Queen-Consort, and Duke of York, with a Power of Redemption, upon Payment of the Principal Sum, and Arrears to that time; And pursuant thereto, the said Patentees and their Assigns were paid in the Reigns of King Charles the Second and King James the Second, to *Lady-Day 1683*, but not any part since that time, notwithstanding all due Applications to that purpose.

Which Occasioned those Proprietors to have many Thoughts which way to be Relieved; And upon Application to the Members of the Honourable House of Commons, to know if it was not proper to offer their said Case to their Committee of Aggrievances, they were advised, First, to prosecute the Legal Remedy, which through great Difficulties hath been done, and by Ten Years Labour and great Charge the Title under the said Patents hath been solemnly settled and determined to be well Granted; And that the Patentees and their Assigns ought to be duly paid their several Yearly Sums, and the Arrears thereof; And accordingly a Judgment is given for Mr. *Williamson* (an Assignee of Sir *Robert Vyner*) for the Arrears of the Yearly Sum of Sixty Pounds, payable to him; And for the future Payment of the same, out of the Hereditary Revenue of Excise; And the said Revenue hath been also adjudged and determined to be legally Charged therewith, and with the Rest of the Yearly Sums, payable to the Respective Patentees and their Assigns.

And now after the great and many Difficulties and unexpressible Miseries that several of these Proprietors have undergone for want of Payment, and the great Charges they have been at to Recover their Legal Estates, a Vote hath Passed on the 14th of *March* present, in the Honourable House of Commons, to appropriate, amongst other Revenues, the Hereditary Revenue of Excise towards the Supply Granted for the Year Seventeen Hundred.

So that by the said Vote, the Estates of the said Patentees and their Assigns would be Invaded, should it Pass into an Act of Parliament; for such an Application, although but for One Year, it would be manifest Damage to the Proprietors concerned therein, and may tend to a defeating of the said *Williamson* from the Benefit of the Execution of the Judgment in his Favour, obtained in the most Solemn manner: Which it is humbly hoped and prayed, the Honourable House of Commons, will not be pleased to do, for the Considerations following:

- I. That the Overplus mentioned in the Act for Provision for His Majesty's Household, &c. to be at the Parliament's Disposal, is only of His Majesty's Estate therein; but not of what was before Legally Charged on the Hereditary Excise, and become His Subjects Property.
- II. That it is very unusual, that what is particular Persons Estates, should by a Law be taken from them to answer Publick Services.
- III. That Dispensing with Property, hath not hitherto been allow'd; And may be of Example to Power at another time, to be the sole Judge of a Necessity when to do it, which in time may hazard our present Constitution.
- IV. That the Sufferings of the said Patentees, and their Assigns, for Seventeen Years last past, without any just Colour, deserves Compassion and Relief: But a Continuance of such Hardships must Affect both the Justice and Credit of the Nation.
- V. That the House of Commons are the Great Preservers of the Legal Property of the People of England.

Therefore it is humbly Hoped and Prayed, That the Honourable House of Commons will not proceed upon any such Vote to Enact the same; but that in Justice to the Concerned, they will leave the Hereditary Revenue of Excise free and open to pay and discharge the said Annual Sums, and Arrears legally Charged thereon.

**The Case of
Proprietors of
Annual Payments out
of the Hereditary
Excise, under Let-
ters Patents of King
Charles the Second.**

